

Docket No.: 2001 P 13459 US
App. No.: 09/917,373

REMARKS

Claims 1-20 are pending in the Application. Claim 1 has been amended. Claims 13-20 have been added, however, no additional claims fees are required.

Claim Rejections - 35 U.S.C. § 102

The Patent Office rejected claims 1-3 and 10-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,902,120 by Weyer ("Weyer").

Applicant respectfully traverses. Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1642, 220 USPQ 193 (Fed. Cir. 1983)). Emphasis added.

Applicant respectfully submits claim 1 includes novel and nonobvious elements. For example, claim 1 recites a concealed telephone system which includes a telephone (12, 52) including a keyboard and display that can be hidden on the user and can make and receive telephone calls. Weyer fails to teach, disclose or suggest a concealed telephone system which includes a telephone (12, 52) including a keyboard and display that can be hidden on the user and can make and receive telephone calls. The Patent Office points to FIG. 4, item 58 of Weyer for support of its assertion the Weyer discloses a telephone including a keyboard and display that can make and receive telephone calls. However, item 58 of FIG. 4 merely discloses an earpiece with a transceiver circuit. An ear piece with a transceiver circuit does not disclose, teach or suggest a telephone (12, 52) including a keyboard and display that can be hidden on the user and can make and receive telephone calls. Consequently, under *Lindemann*, a *prima facie* case of anticipation has not been

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established for claim 1. Claims 2-3 and 10-12 are believed allowable due to their dependence upon an allowable base claim.

Claim Rejections – 35 U.S.C. § 103

The Patent Office rejected claims 4-8 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,902,120 by Weyer ("Weyer").

The Patent Office rejected claim 9 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,902,120 by Weyer ("Weyer") in view of U.S. Patent No. 6,438,245 by Taenzer et al. ("Taenzer").


Applicant respectfully traverses each rejection under 35 U.S.C. § 103. It is contended that all of the claims rejected under this section depend on independent claim 1 which is non-anticipatory and non-obvious based on the rationale above. Thus, dependent claims 4-9 which depends on independent claim 1 should be allowed.

Conclusion

Applicants respectfully submit that all claims are allowable, and it is respectfully requested that the entire application now be passed to formal allowance.

Respectfully Submitted,

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